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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,207	02/09/2004	Hidemasa Sawada	118598	6753
25944	7590	01/25/2005		
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			EXAMINER EVANS, ANDREA HENCE	
			ART UNIT 2854	PAPER NUMBER

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/773,207

Applicant(s)

SAWADA ET AL.

Examiner

Andrea H. Evans

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/9/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of claims 1-4 in the reply filed on 12/30/04 is acknowledged. The traversal is on the ground(s) that examination would not cause a serious burden to the Examiner. This is found persuasive in view of Applicant's remarks and the restriction requirement is withdrawn.

Claim Objections

2. Claim 3 is objected to because of the following informalities:

Claim 3 recites the limitations "the particles" and "the liquid" in lines 2 and 3. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Uzukiwa et al (5120359).

Referring to claim 1, Uzukiwa teaches an ink, comprising a pigment and a resin emulsion, wherein the weight ratio between the pigment and the resin emulsion by solid basis is between 1:0.7 and 1:3.0. (See Example 11, Column 8, lines 19-31; 1:2.68).

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Examiner notes that the phrase "for fabric printing" in the preamble is functional language. The ink of Uzukiwa is capable of being used in fabric printing.

Referring to claim 2, Uzukiwa teaches the ink, wherein the weight ratio between the pigment and the resin emulsion by solid basis is between 1:1.0 and 1:3.0. (See Example 11, Column 8, lines 19-31; 1:2.68).

Referring to claim 3, Uzukiwa teaches the ink wherein the particles of the resin emulsion are produced in the liquid. (See Column 5, lines 10-16).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Uzukiwa et al (5120359) in view of Iida (6037391)

7. Referring to claim 4, Uzukiwa is silent as to whether the particles of the resin emulsion are spherical. Iida teaches ink wherein the particles of the resin emulsion are spherical. (See Column 1, lines 30-34) It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the ink of Uzukiwa such that the particles are spherical in order to allow the ink to be discharged smoothly as taught by Iida.

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8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Uzuakawa et al in view of Hiroto et al (JP H8-283636).

Uzuakawa teaches erasable ink (See Abstract). Uzuakawa does not teach a printing method, comprising: a printing step, in which printing is performed by causing ink to adhere to a fabric; and a fixing step, in which the ink for fabric printing applied to the fabric in the printing step is fixed to the fabric by heating. Hiroto teaches: a printing step, in which printing is performed by causing ink to adhere to a fabric; and a fixing step, in which the ink for fabric printing applied to the fabric in the printing step is fixed to the fabric by heating (See page 1, Applicant's Specification, lines 10-16). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the ink of Uzuakawa in the printing method as taught in Hiroto since the ink has sufficient fluidity as taught by Uzuakawa.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea H. Evans whose telephone number is (571) 272-2162. The examiner can normally be reached on Monday- Friday; 8:30a-5:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrea Hence Evans, ESQ

AHE

A handwritten signature in black ink, appearing to read "Andrew H. Hirshfeld", is positioned above the printed name and title.

ANDREW H. HIRSHFELD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800